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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,892	09/19/2003	Mark Davis	1070P3822	6988
53483	7590	10/15/2009		
KACVINSKY LLC 4500 BROOKTREE ROAD SUITE 102 WEXFORD, PA 15090			EXAMINER TRAN, TUYETLENT	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/665,892

Applicant(s)

DAVIS ET AL.

Examiner

TUYETLIEN T. TRAN

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-35, 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is responsive to the following communication: the RCE filed on 07/20/09.

This action is made non-final.

2. Claims 24-35 and 49 are pending in the case. Claims 24 and 49 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2009 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 24-35 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaval et al (Pub. No. US 2007/0209019 A1; hereinafter Kaval) in view of Kanevsky et al. (Pub. No. US 2002/0089546 A1; hereinafter Kanevsky) further in view of Wagner (Pub No US 2004/0155909 A1; hereinafter Wagner).

As to claim 24, Kaval teaches:

A computer user interface (e.g., Fig. 1 and [0018]; a handheld device with display screen 22) comprising:

a display to present a plurality of dynamically sizable active on-screen displayable cells for presenting categories of information therein (e.g., Fig. 1 and [0005], [0018], [0021]; display screen 22 includes first and second dynamically sizing display zones/windows for displaying categories of information, see [0042]), wherein said plurality of active cells comprise a first cell and a second cell (e.g., Fig. 1 and [0021]; windows/zones 24 and 26) and wherein said first cell is automatically dynamically sized based on changes of its display content and also based on changes of display content of said second cell (e.g., Figs. 1-4, [0028], [0030]; wherein the relative heights of the windows 24, 26 shown in Fig. 3 are sized dependent on the content of each window 24, 26. note: the content of window 24, 26 is either in form data or list data).

While Kaval teaches that the first cell is automatically dynamically sized based on changes of its display content and also based on changes of display content of said second, Kaval does not expressly teach the changes of the display content includes the changes of amount of display data.

In the same field of endeavor of multiple display windows and dynamically sizing the display windows, Kanevsky teaches a graphical user interface to automatically and dynamically

size and reshape windows on a computer display (e.g., see [0005]). Kanevsky teaches the automatic sizing is based on the content displayed in the windows including its amount of content (e.g., [0005]; wherein automatically and dynamically sizing and reshaping a window is based on the content displayed in the window; i.e., the amount of text on a line, [0005]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the dynamically sizable windows as taught by Kaval to include the feature of dynamically and automatically sizing a window based on the amount of information displayed as suggested by Kanevsky to achieve the claimed invention. One would have been motivated to make such a combination is to better utilize the available space having relatively small display screen.

Kaval further teaches the user interface can be applied for portable computing devices such as personal digital assistants (PDAs), Pocket Personal Computers (PPCs), Handheld PCs (HPCs) (e.g., see Figs. 1, 2, [0002], [0018]) that are known for use to organize daily information, Kaval and Kanevsky do not expressly disclose the categories of information is categories of daily information. However, this feature is disclosed by Wagner, wherein Wagner teaches the feature of displaying information in a handheld device (e.g., a context-based display on a mobile device, see [0046]). Wagner teaches a plurality of dynamically sizable active on-screen displayable cells for presenting categories of daily information therein (e.g., see Fig. 3 and Fig. 4; note the items displayed in cells are either selectable by a user or updated live, see [0047] and [0059]). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the feature of presenting categories of information in Kaval and Kanevsky to include the feature of presenting categories of daily information in a portable device as taught by Wagner to achieve the claimed invention. One would have been

motivated to make such a combination is to provide the ability for the user to easily access daily information anywhere the user goes.

As to claims 25 and 49, Kaval teaches wherein said second cell is automatically dynamically sized based on its content and also based on content of said first cell (e.g., Fig. 1, [0005], [0021], [0024], [0028], [0032], [0044]; wherein the relative heights of the windows 24, 26 shown in Fig. 3 are sized dependent on the content of each window 24, 26). Kanevsky teaches the dynamic and automatic sizing display content includes its amount of display data (e.g., [0002], [0005], [0020]). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 26, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 27, Wagner further teaches wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 28, Wagner further teaches comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 29, Kaval teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., [0042]). Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 30, Kaval teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said second cell is enlarged in response to said third cell being suppressed (e.g., see [0042]). Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said second cell is enlarged in response to said third cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 31, Kaval teaches wherein display of cells of said plurality of cells is capable of being suppressed (e.g., see [0042]). Wagner further teaches wherein display of cells of said plurality of cells is capable of being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 32, Kaval teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in response to display of said second cell being suppressed (e.g., see [0042]). Wagner teaches wherein display of cells of said plurality of cells is capable of being suppressed and wherein said first cell is enlarged in

response to display of said second cell being suppressed (e.g., see main portion and tertiary tray shown in Fig. 3 and Fig. 4). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 33, Kaval teaches wherein said first cell comprises a preferred size definition and wherein further said first cell is decreased in size if its content requires less size than its preferred size definition (e.g., see Fig. 3 and [0025]). Wagner further teaches wherein said first cell comprises a minimum size definition and wherein further said first cell is decreased in size if its content requires less size than its minimum size definition (e.g., see Fig. 8A-D). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 34, Wagner further teaches wherein said first cell is increased in size provided its content requires more size than its minimum size definition and provided further that said second cell is decreased in size below its minimum size definition (e.g., see 8H). Thus, combining Wagner, Kanevsky and Kaval would meet the claimed limitations for the same reasons set forth in claim 24 above.

As to claim 35, Wagner further teaches wherein said first cell displays daily event information (e.g., tertiary tray displays 'ski' event information, see Fig. 4), wherein said second cell displays daily to-do information (e.g., main portion displays '10 am Johnson', see Fig. 3) and further comprising a third cell of fixed size for on-screen displaying of daily message information (e.g., ticker tape display 402 for displaying weather report and stock quotes, see Fig. 3 and 4).

Response to Arguments

6. Applicant's arguments filed 07/20/09 have been fully considered but they are not persuasive.

a) Applicant argues that the prior art of Kaval and Kanevsky do not teach "said first cell is automatically dynamically sized based on changes in its amount of content and also based on changes in an amount of content of said second cell" (e.g., see remark page 7).

In response, the examiner respectfully disagrees and directs the applicant to the fact that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As set forth in the rejection of claim 1, Kaval clearly teaches the limitations of claim 24 including said first cell is automatically dynamically sized based on changes of its display content and also based on changes of display content of said second cell (e.g., Figs. 1-4, [0028], [0030]; wherein the relative heights of the windows 24, 26 shown in Fig. 3 are sized dependent on the content of each window 24, 26. note: the content of window 24, 26 is either in form data or list data). In this case, Kaval teaches the dynamic and automatic sizing is based on changes of the display content of both the first cell and second cell. The examiner then admits that Kaval does not teach the changes of the display content include the changes of amount of display data.

Kanevsky suggests to the skilled artisan a dynamic and automatic sizing feature based on display content wherein the display content includes the amount of display data (e.g., [0005]; wherein automatically and dynamically sizing and reshaping a window is based on the content displayed in the window; i.e., the amount of text on a line, [0005]).

Clearly, the skilled artisan, at the time the invention was made, would have applied the suggestion of Kanevsky of dynamically and dynamically sizing a window based on amount of

display data to the computer user interface of Kaval to achieve the claimed invention, wherein the first cell is automatically dynamically sized based on changes in its amount of content and also based on changes in an amount of content of said second cell. This is true because Kaval suggests to the skilled artisan that the display content includes amount of content (e.g., see [0043]; wherein list window or form window provide display fields; note based on the amount of content, a required height of a cell can be determined, see [0025]). Thus, combining Kanevsky and Kaval would teach this limitation for the same reasons as set forth in claim 24.

b) Applicant argues that both Kaval and Kanevsky teaches away from a combination (e.g., see remark page 8, Para 2).

In response, the examiner respectfully disagrees and directs the applicant to the fact that the examiner directs the appellants to MPEP §2123 that the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). In this case, both references are directed to dynamically and automatically sizing windows based on display content.

The applicant specifically remarks that there would be no need to analyze the second window to adjust the height for either of windows (24, 26). In response, the examiner disagrees. As shown in Figure 4 and paragraph [0028], [0029], the display content of the first window and the display content of the second window are both based upon in determining the sizes of the two windows. Therefore, Kaval teaches said first cell is automatically dynamically sized based on changes of its display content and also based on changes of display content of said second cell. Kaval teaches that the display content includes amount of content (e.g., see [0043]; wherein list window or form window provide display fields; note based on the amount of content,

a required height of a cell can be determined, see [0025]). The reference of Kanevsky is relied upon for the suggestion that the dynamic and automatic sizing feature is based on display content that includes amount of display content (e.g., see [0005]). For at least these reasons, the examiner maintains the rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. T. T./

Examiner, Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179